

Date	TELEFAX Sender's Telephone Number: 318-240-7131 Avoyel-Biloxi - Petitioner 231			No. of Fax Pages [05]
August 7, 2013	Subject	Assistant Secretary of Indian Affairs		(1)-No Cover Sheet
Sender's Name		Sender's Fax Number	Recipient's Name	Recipient's Fax Number
Terry M. Francisco		318-253-5437	Mr. K. Washburn	202-208-5320
Telefax Reference				
<u>ASIA Washburn Consideration Revision of Part 83 Process</u>				
DOI News Release for immediate release 06-21-13				
DOI Mailing Date 08-01-13				
Avoyel-Biloxi Receipt [Petitioner 231] 08-05-13				
Public Meeting 08-06-13				
Chief Earl Barbry died 07-30-13				
Chief Earl Barbry's wake 4-11 p.m. 08-05-13				
Chief Earl Barbry's funeral 11 p.m. 08-06-13				
Tunica-Biloxi meeting 9-12 p.m. 08-06-13				
DOI's Public meeting to be held 1-4 p.m. 08-06-13				

Dear Mr. Washburn:

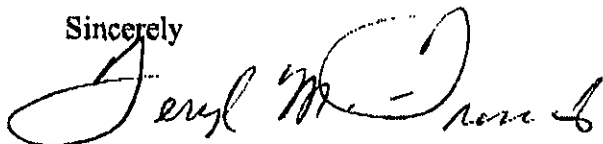
The Avoyel-Biloxi received DOI Washburn's News Release on August 5, 2013. The chairman immediately attempted to contact Ms Nedra Darling and left a message at 202-219-4152 informing her that information for place and time for the DOI's schedule public meeting from 1-4 p.m. could not be secured. The casino was not aware that a DOI's meeting was scheduled for 08-06-13 for Tunica Biloxi and the general public.

It is apparent that there was a major conflict of time scheduling on 08-06-13 for both a Tunica-Biloxi and a general public meeting with the funeral arrangements of the Tunica-Biloxi chairman Earl Barbry.

A response was requested if the public meeting would be rescheduled.

Thanks.

Sincerely



Terry M. Francisco, Chairman

Council Members

* Kenneth Simon * Samuel Johnson, Jr * Dorothy Johnson * Monica Johnson *
* Marion Young * Albert Levege, Jr *

THE AVOYEL TRIBE

THE AVOYEL NATION

Avoyel Nation of LA, Inc.
517 Overton Street
Marksville, LA 71351

AvoyelBiloxi.Com or AvoyelBiloxi.Org
Duns#:074372298
E-Mail:Xenwphwn@Gmail.Com

Federal Policing No. 270
Phone: 318-240-7131
Fax: 318-253-6437

August 6, 2013

The Honorable Kevin K. Washburn, ASIA
Office of the Assistant Secretary of Indian Affairs
MS-4141-MIB
1849 C Street, N.W.
Washington, DC 20240

Dear Mr. Washburn:

The Avoyel-Biloxi feel that it will not be able to participate in a public meeting to provide "... input on potential changes to the part 83 process..." due to the untimely conflict for such a meeting that coincided with the untimely death of the Tunica-Biloxi Chairman Earl Barbry. Secondly, the tardy submission of the "News Release" was not timely forthcoming to the Avoyel-Biloxi. Regardless, the Avoyel-Biloxi wishes to provide its input on potential changes to the Part 83 process.

- (01) That Social cohesion no longer be an impediment that stigmatizes black Native American tribal members which relegates black tribal entities as a splinter renegade entity, then denies enrollment to that respective entity. If in the course of events that social cohesion prevails, the injured splinter renegade entity predicated because of social cohesion be allowed a remedy through adjudication, or endowed to exist as an independent tribal entity by bulla from the government.
- (02) That a Native American group who existed as an amalgamated pan-tribal group be not denied the reality as never have co-existed in a amalgamated pan-tribal forum because of social cohesion.
- (03) That Social cohesion does not pillories a black Native American entity designated to be a splinter renegade entity by the BIA then forces that group to remedy its status through the whims of a bias tribal court.
- (04) That a significant tribal historical fact [social cohesion] or a unique tribal history [amalgamated pan-tribal alliance] be expedited for resolution as historical reality or a non historical reality. Thereupon then assert tribal status for that entity.

The Avoyel-Biloxi thank you very much for making it possible for this input to the Part 83 process.

Sincerely,

Terryl M. Francisco

Enclosures

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Terryl M. Francisco, Chairman

Council Members

* Kenneth Simon * Samuel Johnson, Jr * Dorothy Johnson * Monica Johnson *
* Marion Young, * Albert Leviege, Jr *.

The group was established in 1971 and is a voluntary association of individuals who are interested in the study of the Negro in America.

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Membership Requirements

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Council Members

* Kenneth Simon * Samuel Johnson, Jr * Dorothy Johnson * Monica Johnson *
* Marion Young * Albert Lexiege, Jr *

LAW OFFICE OF
MICHAEL F. KELLY
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April 2, 2003

16
Mr. Terryl M. Francisco
Chairman, The Avoyel Tribe
517 Overton Street
Marksville, Louisiana 71351

RE: Opinion Regarding Race-Based Exclusion (*Social Cohesion*)

Dear Chairman Francisco:

Thank you for your letter of March 13, 2003 requesting an opinion from me regarding Avoyel Tribe's contemplation of adhering to strict *social cohesion* in which the Tribe would prohibit intermarriage with a specific group, in particular blacks.

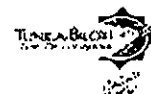
It is my professional opinion that the practice of *social cohesion* by the Avoyel Tribe could face a legitimate challenge under the United States Constitution. *Social cohesion* is a euphemism for race-based discrimination. All forms of race-based discrimination have fallen. The U.S. Constitution prohibits discrimination based on sex and race. The Civil Rights legislation of 1965 prohibits discrimination based on race when practiced by government entities and in certain situations, by individuals. Even private clubs, the last bastion of segregation, can be attacked constitutionally when they engage in interstate commerce. Certainly the drift of U.S. Constitutional law is to strike down all forms of race-based discrimination.

Thus it would be my opinion that while *social cohesion* might be a legitimate attempt to maintain tribal integrity it would nevertheless fail to pass constitutional muster. The Tribe will engage in interstate commerce. The Tribe seeks recognition by the federal government. It is difficult to imagine how such an entity could engage in race-based discrimination and not be in violation of the U. S. Constitution and most of the Civil Rights legislation passed over the past 35 years. I strongly urge that the Tribe refuse to adopt such a policy.

Trusting the forgoing is satisfactory, I remain

Yours truly,


Michael F. Kelly
MKF/eg



The Twenty-Third Psalm

The Lord is my shepherd; I shall not want.
 He maketh me to lie down in green pastures;
 He leadeth me beside the still waters.
 He restoreth my soul: He leadeth me in the
 paths of righteousness for His name's sake.
 Yea, though I walk through the valley of the
 shadow of death, I will fear no evil:
 for thou art with me; thy rod and
 thy staff they comfort me.
 Thou preparest a table before me in the
 presence of mine enemies:
 thou anointest my head with oil;
 my cup runneth over.
 Surely goodness and mercy shall follow
 me all the days of my life:
 and I will dwell in the house of the Lord forever.

In Loving Memory

Chairman Earl Joseph Barbry, Sr.

October 2, 1950 to July 31, 2013

Funeral Service

11:00 a.m., Tuesday, August 6, 2013

Marl Center - Paragon Casino
 Marksville, Louisiana

Entombment

St. Paul Catholic Mausoleum
 Mansura, Louisiana

Survived by:

Wife of 45 years: Gail Helene Barbry
 of Mansura

Sons: Earl J. Barbry, Jr. & Wife Julie of
 Mansura

Joey P. Barbry & Companion Kristie
 of Marksville

Grandchildren: Alexs Barbry
 Annabelle Barbry

Council Members

* Kenneth Simon * Samuel Johnson, Jr * Dorothy Johnson * Monica Johnson *
 * Marion Young * Albert Leveque, Jr * .